

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,)
)
)
 Plaintiff,)
)
)
 vs.) No. 08-03130-01-CR-S-DW
)
)
SAMUEL G. PEREZ, JR.,)
)
)
 Defendant .)

**REPORT AND RECOMMENDATION OF
THE UNITED STATES MAGISTRATE JUDGE**

On August 5, 2009, a psychiatric/psychological evaluation was ordered by the undersigned pursuant to 18 U.S.C. § 4241. Thereafter, defendant filed a Motion for Medical Evaluation under the provisions of §5K2.13. On October 15, 2009, an Order was entered by the undersigned directing that the previously-ordered evaluation include whether the defendant had diminished mental capacity at the time of the offenses for which he is charged occurred and whether there should be any downward departure as a result. The evaluation was conducted at the United States Medical Center for Federal Prisoners, Springfield, Missouri, and a psychological report was filed with the Court on January 20, 2010. The matter was called for a hearing. The defendant appeared in person and with counsel. There was no evidence presented, other than the report previously mentioned above. The mental health experts at the United States Medical Center for Federal Prisoners concluded:

“...it is my opinion that Mr. Perez is currently competent to stand trial or make other decisions regarding his case. He is able to understand the nature and potential

consequences of the proceedings against him and assist properly in his defense. He does not presently manifest a mental disease or defect which would impair these abilities."

It is therefore

RECOMMENDED that the defendant be declared competent to stand trial.

/s/ James C. England

JAMES C. ENGLAND
UNITED STATES MAGISTRATE JUDGE

Date: February 1, 2010